

**NOT FOR PUBLICATION**

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

**FILED**

**DEC 12 2005**

CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

SALVADOR GONSALEZ-PALOMINO,

Defendant - Appellant.

No. 04-10612

D.C. No. CR-04-01026-CKJ/GEE

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Arizona  
Cindy K. Jorgenson, District Judge, Presiding

Submitted on December 5, 2005 \*\*

Before: GOODWIN, W. FLETCHER and FISHER, Circuit Judges.

Salvador Gonzalez-Palomino appeals the district court's judgment following his guilty-plea conviction and his 44 month sentence for illegal re-entry after deportation, in violation of 8 U.S.C. § 1326(a), enhanced by (b)(2).

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\* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

\*\* This panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

Pursuant to *Anders v. California*, 386 U.S. 738 (1967), counsel for Gonzalez-Palomino has filed a brief stating that there are no grounds for relief, and a motion to withdraw as counsel of record. Gonzalez-Palomino has not filed a pro se supplemental brief and the government has not filed an answering brief.

We have conducted an independent review of the record pursuant to *Penson v. Ohio*, 488 U.S. 75, 83 (1988), and we dismiss in light of the valid appeal waiver. *See United States v. Nguyen*, 235 F.3d 1179, 1182 (9th Cir. 2000) (stating that an appeal waiver is valid when it is entered into knowingly and voluntarily); *see also United States v. Cardenas*, 405 F.3d 1046, 1048 (9th Cir. 2005) (holding that the changes in sentencing law imposed by *United States v. Booker*, 125 S. Ct. 738 (2005), did not render waiver of appeal involuntary and unknowing). Counsel's motion to withdraw is granted.

**DISMISSED.**